

A	Course Number & Title	INS 350 Moot Court														
B	Pre-requisite(s)	POL 201 or PHI 201 and permission of instructor														
C	Number of credits	3-0-3														
D	Faculty Name	Dr. Barry Hashimoto														
E	Term/ Year	Fall 2017														
F	Sections	<table border="1"> <thead> <tr> <th>CRN</th> <th>Days</th> <th>Time</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>INS 350</td> <td>UTR</td> <td>10-10:50</td> <td>Physics 116</td> </tr> </tbody> </table>			CRN	Days	Time	Location	INS 350	UTR	10-10:50	Physics 116				
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G	Instructor Information	<table border="1"> <thead> <tr> <th>Office</th> <th>Telephone</th> <th>Email</th> </tr> </thead> <tbody> <tr> <td>PHY 225</td> <td>569133553</td> <td>bhashimoto@aus.edu</td> </tr> </tbody> </table> <p>Office Hours:</p> <ul style="list-style-type: none"> Tuesdays from 3:30-5:30 pm or by appointment. 			Office	Telephone	Email	PHY 225	569133553	bhashimoto@aus.edu						
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H	Course Description from Catalog	Introduces fundamentals of advocacy before international tribunals. Covers analysis of legal precedents, the development of legal briefs, and the structure of oral arguments. Focuses on skills required for analytical legal thinking.														
I	Course Learning Outcomes and Assessment Instruments	<table border="1"> <thead> <tr> <th>Learning Outcomes</th> <th>Assessment Instruments</th> </tr> </thead> <tbody> <tr> <td colspan="2">Upon completion of this course, students will be able to:</td> </tr> <tr> <td>1. Demonstrate the capacity for independent research.</td> <td>Draft memorials, participation</td> </tr> <tr> <td>2. Communicate effectively in writing and in oral presentations (in a judicial setting).</td> <td>Draft memorials, oral rounds</td> </tr> <tr> <td>3. Analyze a case and the appropriate precedents.</td> <td>Legal briefs, peer review</td> </tr> <tr> <td>4. Demonstrate the capacity for analytical legal thinking.</td> <td>Draft memorials, peer review</td> </tr> </tbody> </table>			Learning Outcomes	Assessment Instruments	Upon completion of this course, students will be able to:		1. Demonstrate the capacity for independent research.	Draft memorials, participation	2. Communicate effectively in writing and in oral presentations (in a judicial setting).	Draft memorials, oral rounds	3. Analyze a case and the appropriate precedents.	Legal briefs, peer review	4. Demonstrate the capacity for analytical legal thinking.	Draft memorials, peer review
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J	Textbook and other Instructional Material and Resources	<p>Each student is <u>required</u> to purchase all of the below reference texts. This is a lot. But based on my experience, you will be far better off having these books in your personal library as you develop your argument and prepare for the competition. The textbooks by Shaw and Crawford give overlapping coverage, but with quite different emphases. The monographs by Crawford are invaluable resources for understanding the intricacies of the customary law of state responsibility, which will be important for our legal arguments. The textbook by Edwards is a reference for any questions you may have about legal writing.</p> <ul style="list-style-type: none"> James Crawford. 2002. <i>The International Law Commission's Articles on State Responsibility</i>. Cambridge, U.K.: Cambridge University Press. (Hereafter Crawford 2002). James Crawford. 2008. <i>Brownlie's Principles of Public International Law</i>. 8th ed. Oxford, U.K.: Oxford University Press. (Hereafter "Brownlie"). James Crawford. 2014. <i>State Responsibility: The General Part</i>. Cambridge, U.K.: Cambridge University Press. (Hereafter Crawford 2014). Linda H. Edwards. 2015. <i>Legal Writing</i>. 4th ed. New York, NY: Wolters Kluwer Law and Business. (Hereafter Edwards 2015). Malcolm N. Shaw. 2014. <i>International Law</i>. 7th ed. Cambridge, U.K.: Cambridge University Press. (Hereafter "Shaw"). <ul style="list-style-type: none"> ICJ and PCIJ cases and documents are available at: http://www.icj-cij.org/homepage/. Jessup research resources: https://www.ilsa.org/jessuphome/2014-08-15-09-28-30/research-resources. The main purpose of this course is to produce and orally present a pair of creative and competitive memorials for the Philip C. Jessup International Law Moot Court Competition in April 2018. This involves both basic and advanced research on international law. We will have to search for and do additional reading as we determine the strongest possible 														

	<p>arguments for our memorials. From time to time I will indicate that this additional reading is required. Also, when the first and second batch materials are posted on the Jessup website, <i>please should consider all of these to be required readings.</i></p>																														
<p>K Teaching and Learning Methodologies</p>	<ul style="list-style-type: none"> Collaborative research seminars: This is a course in which nearly all of the learning happens by <i>doing</i>. The main purpose of the course is to produce a pair of competitive memorials to submit to the Jessup International Moot Court Competition held annually in Washington, D.C. for more than a century. These memorials consist of legal arguments seeking to prove four submissions (i.e. claims) for an applicant and respondent state litigating a case before the International Court of Justice. While the facts of the case are fictitious, the law is real. Your task is to absorb the facts of the case, and to construct a logical and proof of the submission <i>based on your original research of international law</i>. Beyond the basic customs of state responsibility and the statute of the ICJ, one only knows what else to research once one begins researching and absorbs the case facts. Many class meetings will therefore consist of research sessions in which we jointly develop and review case facts, law, argument strategy, read source material, and draft and edit briefs, memos and competition memorials. During each seminar, students are expected to make progress on their research agenda and writing. Each student will be responsible for <i>one</i> issue area in the Jessup <i>compromis</i>, and will write the argument for that section of the team's memorial for both applicant and respondent. In addition to written feedback and guidance on the most important parts of your work, I will give you oral feedback in these sessions, which you are responsible for noting and reacting to in your research agenda. Students should come prepared to these meetings to execute their research agendas. Independent research: Much of your research and writing will in fact be done on your own time, independently in order for you to meet the January deadline for the memorial submission. You will need to do a substantial amount of exploratory and deep reading on your own in order to grasp the legal issues at hand and brainstorm. This will be fun! The effort you put into your independent research (to be assessed by the end of the course) will help determine your participation grade. Also, in order to ensure that you have a firm grasp of key cases relevant to your submissions, each student will write legal briefs of <i>three cases</i> litigated at the International Court of Justice or another court or arbitral tribunal. These should be of cases that are essential to your legal argument in one or both of your submissions. You will present these briefs orally in class. Before the <i>compromis</i> is released, each student will also be assigned one case to brief and present. Peer review seminars: Students will review one another's work for two reasons: to cooperate in producing a more competitive final outcome, and to acquaint themselves with their classmates work—after all, each students will have to know the legal argument for each part of each memorial in preparation for the actual Jessup competition. In these peer reviews, students should demonstrate a clear understanding of the argument, identify errors, and suggest modifications, improvements, and alternatives <i>based on original thinking and original research into the source law</i>. Students should come prepared to these meetings to debate the facts, law, and legal strategy at hand. Students producing a peer review will be graded on their review. <p><u>Policies:</u></p> <ul style="list-style-type: none"> Cell phones must be turned off at the start of each class. Attendance is mandatory. You must come to class having read the material and be prepared to discuss it. Students must maintain a spirit of tolerance, cooperativeness, and respect toward other students and their work. As is customary with INS 350 given the high demands of the course and the January deadline for memorial submission to the Jessup, you will be expected to attend research sessions and practice oral sessions outside of normal classroom hours. 																														
<p>L Grading Scale, Grading Distribution, and Due Dates</p>	<p>Grading Scale</p> <table border="1" data-bbox="558 1859 1324 2042"> <tr> <td>94.6– 100</td> <td>4.0</td> <td>A</td> <td>76.6 – 79.59</td> <td>2.3</td> <td>C+</td> </tr> <tr> <td>89.6 – 94.59</td> <td>3.7</td> <td>A-</td> <td>72.6 – 76.59</td> <td>2.0</td> <td>C</td> </tr> <tr> <td>86.6 – 89.59</td> <td>3.3</td> <td>B+</td> <td>69.6 – 72.59</td> <td>1.7</td> <td>C-</td> </tr> <tr> <td>82.6 – 86.59</td> <td>3.0</td> <td>B</td> <td>59.6 – 69.59</td> <td>1.0</td> <td>D</td> </tr> <tr> <td>79.6 – 82.59</td> <td>2.7</td> <td>B-</td> <td>Less Than 59.6</td> <td>0</td> <td>F</td> </tr> </table>	94.6– 100	4.0	A	76.6 – 79.59	2.3	C+	89.6 – 94.59	3.7	A-	72.6 – 76.59	2.0	C	86.6 – 89.59	3.3	B+	69.6 – 72.59	1.7	C-	82.6 – 86.59	3.0	B	59.6 – 69.59	1.0	D	79.6 – 82.59	2.7	B-	Less Than 59.6	0	F
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M	Explanation of Assessments	<p><i>Case briefs:</i> You will choose two cases germane to your <i>compromis</i> claim and brief the case according to the best practices set out in the textbook by Edwards (see Ch. 3 and Part 5). Before the <i>compromis</i> is released, each student will also be assigned one case to brief and present.</p> <p><i>Draft memorials:</i> You will be responsible for all research and writing related to one submission for both applicant and respondent.</p> <p><i>Peer review:</i> You will review the applicant and respondent arguments for one of your classmates, producing a written memo to turn in. You should reference the textbook by Edwards in writing this peer review memo, as well as source material that is relevant to the law and facts in the submissions at hand.</p> <p><i>Participation</i> is graded based on (mandatory) attendance in class; your grades on <i>ad hoc</i> writing assignments related to the <i>compromis</i>, making quality contributions to research and group-work; completing assigned readings on time, participating in discussions, being respectful; not causing collective action problems in group-work, and maintaining a constructive and positive attitude toward your classmates and the course.</p> <p><i>Practice oral rounds:</i> These will be held in the penultimate week of the course and will be graded by a panel of guest judges.</p>																		
N	Attendance	<p>Students in this course are required to follow the AUS Attendance Policy as outlined in the <i>AUS Undergraduate Catalog</i>.</p> <p>Per AUS policy as of Fall 2017, seven absences in this UTR course whether excused or unexcused will be grounds for forcible removal from the course.</p>																		
O	Student Academic Integrity Code Statement	<p>Students MUST read the Student Academic Integrity Code outlined in the AUS Undergraduate Catalog and abide by the standards for academic conduct, students' rights and responsibilities and procedures for handling allegations of academic dishonesty.</p>																		

SCHEDULE

#	WEEK	ASSIGNED READING	NOTES
1	Aug 27	<p>Readings below are linked on the website of the International Law Students Association.</p> <p>Robert Beckman and Dagmar Butte, "Introduction to International Law," pp. 1-12.</p> <p>Chinese Initiative on International Criminal Justice, "A Guide to the Philip C. Jessup International Law Moot Court Competition," pp. 1-24.</p> <p>Group of Friends of the Jessup, "Tips for Writing Memorials for the 2015 Competition," pp. 1-8.</p>	<p>Orientation to the course and discussion of the Jessup competition.</p>

		<p>2017 Jessup Compromis, pp. 1-all.</p> <p>American University of Sharjah Moot Court Team's submitted Applicant and Respondent memorials for the 2017 Jessup, pp. 1-all.</p>	
2	Sept 3	<p>American University of Sharjah Moot Court Team's submitted Applicant and Respondent memorials for the 2017 Jessup, pp. 1-all.</p> <p><i>Brownlie</i>, pp. 1-19.</p> <p>Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal), ICJ Reports 1995. (Read parties' memorials and the court's judgment).</p> <p>Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom), ICJ Reports 2016. (Read memorials and judgment).</p> <p>Skim Edwards 2015, 1—all.</p>	<p>Discussion of 2017 Jessup compromise, memorials, and applicable law on UTR.</p> <p>Research of ICJ cases to brief for next week.</p>
3	Sept 10	<p>Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal), ICJ Reports 1995. (Read parties' memorials and the court's judgment).</p> <p>Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom), ICJ Reports 2016. (Read memorials and judgment).</p> <p>Skim Edwards 2015, 1—all.</p> <p>Skim Brownlie and Shaw, 1—all as needed for background research on these two cases (although only <i>Arbitral Award</i> will be explicitly discussed due to the newness of <i>Obligations</i>).</p> <p>2018 <i>Compromis</i> (i.e. Special Agreement between parties to the dispute) to-be distributed upon Sept 16 release by International Law Students Association, pp. 1-all.</p>	<p>First case briefs due on Sunday, Tuesday, and Thursday.</p> <p>Viewing of 2017 Jessup Final Round on Sunday</p> <p>Discussion of first draft of cases on Tuesday</p> <p>Presentation of cases on Thursday</p>
4	Sept 17	<p>Readings below will be distributed across weeks based on the decision of the class.</p> <p><u>General topics applicable to all submissions in the <i>compromis</i>:</u></p> <p>Sources of international law:</p> <ul style="list-style-type: none"> • Brownlie, pp. 20-47. • Shaw, pp. 49-91. • Reports on the identification of customary international law by the Special Rapporteur of the International Law Commission, 67th session, 2015. <p>State responsibility:</p> <ul style="list-style-type: none"> • Shaw, pp. 566-612. • Brownlie, pp. 539-606. • Crawford, 2002, pp. 1-77 and 78-313 (skim as needed). • Crawford 2014, pp. 1-706 (skim as needed). 	<p>Discussion and reading of the 2018 <i>Compromis</i>.</p> <p>Brainstorming and drafting of skeleton arguments in collaborative and independent research seminars.</p>
5	Sept 24	<p><u>Topic: conduct of naval warfare:</u></p> <p>Humanitarian law:</p>	<p>Discussion and reading of the 2018 <i>Compromis</i>.</p>

		<ul style="list-style-type: none"> Shaw, pp. 847-874. J. Ashley Roach. 2000. "The Law of Naval Warfare at the Turn of Two Centuries." <i>The American Journal of International Law</i>, 94:1, pp. 64-77. Skim as needed, Adam Roberts and Richard Guelff. 2003. <i>Documents on the Laws of War</i>. Oxford, UK: Oxford University Press, pp. 1—all. 	Brainstorming and drafting of skeleton arguments in collaborative and independent research seminars.
6	Oct 1	<p><u>Topic: seizure of a marine vessel.</u></p> <ul style="list-style-type: none"> Jurisdiction: Brownlie, pp. 447-486. Shaw, pp. 469-505. Law of the sea: Brownlie, pp. 255-332. Shaw, pp. 401-468. <p>Second and third ICJ cases to brief. Cases will be determined based on the content of the 2018 <i>Compromis</i>.</p>	<p>Discussion and reading of the 2018 <i>Compromis</i>.</p> <p>Brainstorming and drafting of skeleton arguments in collaborative and independent research seminars.</p>
7	Oct 8	<p>Priority: First batch of materials posted on Jessup website, pp. 1-all.</p> <p><u>Topic: breach of nuclear disarmament obligations</u></p> <p>Treaties:</p> <ul style="list-style-type: none"> Brownlie, pp. 367-394. Shaw, pp. 654-692. <p>Nuclear disarmament:</p> <ul style="list-style-type: none"> The Treaty on the Non-Proliferation of Nuclear Weapons, July 1, 1968, London, Moscow and Washington, United Nations Treaty Series. Skim as needed documents from the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Treaty on the Prohibition of Nuclear Weapons, July 7, 2017, New York City, United Nations Treaty Series. (and related documents). 	<p>Second and third case briefs due and presented in class.</p> <p>Collaborative and independent research seminars.</p>
8	Oct 15	<p>Priority: First batch of materials posted on Jessup website, pp. 1-all.</p> <p><u>Topic: validity of an interstate arbitral award</u></p> <ul style="list-style-type: none"> Brownlie, pp. 693-743. Shaw 2014, pp. 732-810. Shaw, pp. 766-810 (on the ICJ) and pp. 732-810 (on dispute resolution). Possibly: Shaw, pp. 321-351 (on recognition of states) and pp. 693-731 (on state succession). 	<p>Second and third case briefs due and presented in class.</p> <p>Collaborative and independent research seminars.</p>
9	Oct 22	<p>Priority: First batch of materials posted on Jessup website, pp. 1-all.</p> <p><u>General topics applicable to all submissions in the <i>compromis</i>:</u></p> <p>Sources of international law:</p> <ul style="list-style-type: none"> Brownlie, pp. 20-47. Shaw, pp. 49-91. Reports on the identification of customary international 	<p>First memorial draft due.</p> <p>Collaborative and independent research seminars.</p>

		<p>law by the Special Rapporteur of the International Law Commission, 67th session, 2015.</p> <p>State responsibility:</p> <ul style="list-style-type: none"> • Shaw, pp. 566-612. • Brownlie, pp. 539-606. • Crawford, 2002, pp. 1-77 and 78-313 (skim as needed). • Crawford 2014, pp. 1-706 (skim as needed). 	
10	Oct 29	<p>Priority: First batch of materials posted on Jessup website, pp. 1-all.</p> <p><u>General topics applicable to all submissions in the <i>compromis</i>:</u></p> <p>Sources of international law:</p> <ul style="list-style-type: none"> • Brownlie, pp. 20-47. • Shaw, pp. 49-91. • Reports on the identification of customary international law by the Special Rapporteur of the International Law Commission, 67th session, 2015. <p>State responsibility:</p> <ul style="list-style-type: none"> • Shaw, pp. 566-612. • Brownlie, pp. 539-606. • Crawford, 2002, pp. 1-77 and 78-313 (skim as needed). • Crawford 2014, pp. 1-706 (skim as needed). 	<p>Peer review due</p> <p>Collaborative and independent research seminars.</p>
11	Nov 5	Readings as identified in seminars.	Collaborative and independent research seminars.
12	Nov 12	Readings as identified in seminars.	Collaborative and independent research seminars.
13	Nov 19	Readings as identified in seminars.	<p>Final memorial draft due.</p> <p>Collaborative and independent research seminars.</p>
14	Nov 26	Readings as identified in seminars and feedback from the final memorial review.	<p>Practice oral rounds.</p> <p>Collaborative and independent research seminars.</p>
15	Dec 3	Readings as identified in seminars and feedback from the final memorial review.	Collaborative and independent research seminars.
16	Dec 10	Second batch of materials posted on Jessup website this week, pp. 1-all.	Collaborative and independent research seminars.